



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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APR 21 2005

05 APR 29 AM 11:25 Environmental Cleanup Off

AMENDED EXPEDITED SETTLEMENT AGREEMENT

HEARINGS CLERK
EPA - REGION 10

DOCKET NO: CAA-10-2005-0067
This Amended ESA
is issued to: JCI Jones Chemicals, Inc.
1515 Ringling Blvd.
Ste 900
Sarasota, FL 34236

This Amended Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 18, 2004, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On August 5, 2004, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility to determine compliance with the Risk Management Plan (RMP) regulations promulgated under Section 112(r) of the Act. EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the Attached Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty Summary (Summary) and the Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty Sheet (Sheet), which are hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good-faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the attached Summary and Sheet for the total penalty amount of \$1,875.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary and Sheet, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and

fees, if any.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the attached Summary and Sheet and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$1,875 in payment of the full penalty amount to the following address:

Mellon Client Services Center
EPA Region 10
500 Ross Street
P.O. Box 360903
Pittsburgh, PA 15251-6903

The docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue, Mail Stop ECL-116
Seattle, Washington 98101
Attn: Kelly Huynh, 112(r) Enforcement Coordinator

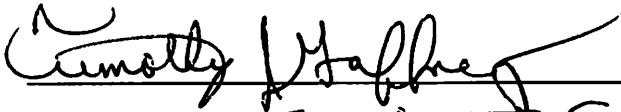
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary and Sheet. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA at the above address by Respondent by April 21, 2005, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the Summary and Sheet.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT: JCI Jones Chemicals, Inc.



Date: 4/20/05

Name (print): Timothy J. Gaffney

Title (print): Executive Vice President
JCI Jones Chemicals, Inc.

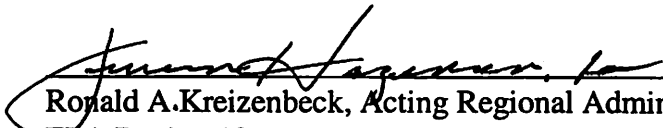
FOR COMPLAINANT:



Date: 4-26-05

Philip M. Wong, Unit Manager
Compliance Monitoring Unit
Office of Compliance and Enforcement

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.



Ronald A. Kreizenbeck, Acting Regional Administrator
EPA Region 10

Date: 4-28-05

4/20/05

TO: TIM GARTNEY
FROM: JayRECEIVED
PC

05 APR 29 AM 11:25

HEARINGS CLERK
EPA--REGION 10

NOTICE: The purchase of an indemnity bond may be required before this check will be replaced or refunded in the event it is lost, misplaced or stolen.

Gold Bank™
More Than Money®
240 S. Pineapple Ave.
Sarasota, FL 34236

136311

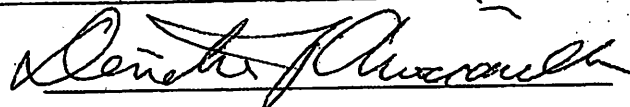
69-1372/631

REMITTER
JCI Jones Chemicals Inc

DATE April 20, 2005

PAY TO THE ORDER OF *Treasurer United States of America Doc#CAA 10 2005 0067 * \$ *****1,875.00

ONE THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS AND ZERO CENTS DOLLARS

CASHIER'S CHECK

⑈ 136311⑈ ⑆063113727⑆

0000013⑈



RECEIVED
APR 21 2005
Environmental Cleanup Office

April 20, 2005

Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue, Mail Stop ECL-116
Seattle, Washington 98101
Attn: Kelly Huynh, 112® Enforcement Coordinator

RE: Amended Expedited Settlement Agreement
Docket No. CAA-10-2005-0067

Dear Ms. Huynh:

Enclosed please find an executed original Amended Expedited Settlement Agreement for the above referenced matter. Also enclosed please find a copy of the Cashier's Check that was sent via Federal Express to Mellon Client Services Center today. Please note that we had to send the check via Federal Express instead of via certified mail given that you required the payment to be made by April 21, 2005 which logistically would have been impossible given that we just received the Amended ESA from you in the past few days. These documents are also being sent to you via Federal Express instead of via certified mail for the same reason.

Please contact me at (585) 538-2314 if you have any questions or require additional information.

Very truly yours,

JCI Jones Chemicals, Inc.

Timothy J. Gaffney
Executive Vice President

TJG:tg

Enclosure

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **AMENDED EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: CJI Jones Chemicals, Inc., DOCKET NO.: CAA-10-2005-0067** was filed with the Regional Hearing Clerk on April 29, 2005.

On April 29, 2005 the undersigned certifies that a true and correct copy of the document was delivered to:

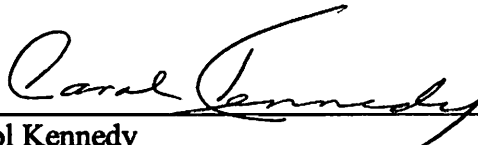
Deborah Hilsman, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Kelly Huynh
Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue, M/S ECL-116
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on April 29, 2005, to:

JCI Jones Chemicals, Inc.
1515 Ringling Blvd.
Ste. 900
Sarasota, FL 34236

DATED this 29th day of April 2005.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10